

REMARKS

The present application was filed on September 29, 2003, with claims 1-31, and claims priority to U.S. provisional applications Serial No. 60/468,750, filed May 8, 2003, and Serial No. 60/471,187, filed May 16, 2003. Claims 1-31 are currently pending in the application. Claims 1 and 29-31 are the independent claims.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-5 and 28-30 stand rejected under 35 U.S.C. §102(e) over U.S. Patent Application No. 2004/0100359 (hereinafter "Reade").

Claims 8, 9, 11, 12, 17, 25 and 26 stand rejected under 35 U.S.C. §103(a) over Reade in combination with other references.

Claims 6, 7, 10, 13-16, 18-24 and 27 are indicated as containing allowable subject matter.

Claim 31 is allowed.

Initially, with regard to the statement of reasons of allowance for claim 31, Applicants note that the statement includes terminology that is not present in the claim. Applicants believe that claim 31 is allowable because the particular limitations thereof are not taught or suggested by the art of record. To the extent the statement provided by the Examiner deviates from the actual claim language, it is respectfully traversed.

The Examiner has objected to claim 28 on the ground that the term "selectable responsive to a command" is not in proper idiomatic English. Applicants respectfully disagree. The phrase in question is entirely proper, and simply means "capable of being selected responsive to a command." In other words, the claim in question recites that a privacy policy implemented by the blocker device can be selected in response to a command. The objection is believed to be improper, and should be withdrawn.

With regard to the §102(e) rejection, Applicants have amended independent claims 1, 29 and 30 to clarify the subject matter which Applicants regard as the invention. More specifically, each of the independent claims 1, 29 and 30 has been amended to specify that the blocker device is configurable to provide selective blocking of a designated subset of the identifiers for a given set of RFID devices. Support for the amendment can be found in the specification at, for example, page 11, lines 4-10, and in FIGS. 4-7 of the drawings and the corresponding text at page 11, line 11, to page 23, line 14.

An advantage of an illustrative embodiment of the claimed invention over the techniques disclosed in Reade is that such an embodiment can be used to protect items while in the hands of consumers, while at the same time permitting unimpeded reading of tags in commercial environments. Thus, selective blocking in such an embodiment provides enhanced consumer privacy, without significantly undermining the effectiveness of an RFID device as a tracking mechanism prior to consumer possession thereof. See the specification at, for example, page 4, lines 5-10. With reference to FIGS. 1 and 2 of Reade, the jamming device 30 described therein does not provide selective blocking in the manner claimed, and as a result will interfere with legitimate functions of the reader 16 such as, for example, reading tags 14 that are on articles 12 that have not yet been purchased by a consumer. See Reade at page 4, paragraph [0031]. The present invention advantageously overcomes this significant drawback associated with the techniques disclosed in Reade.

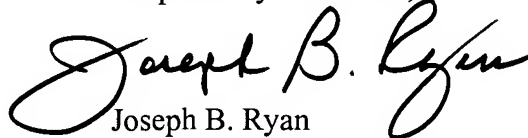
In view of the amendments to claims 1, 29 and 30, the §102(e) and §103(a) rejections should be withdrawn.

Dependent claims 18, 19, 24 and 27 have been rewritten in independent form, and are believed allowable in accordance with the above-noted indication of allowable subject matter.

Dependent claim 17 has been amended to depend from claim 24.

Accordingly, claims 1-31 as amended herein are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly distinguishable.

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